

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**BRUNER CORPORATION**

**and**

**Case 09-CA-148668**

**INTERNATIONAL ASSOCIATION OF  
SHEET METAL, AIR, RAIL AND  
TRANSPORTATION WORKERS  
LOCAL 24, AFL-CIO**

**ORDER<sup>1</sup>**

The Employer's petition to revoke subpoena duces tecum B-1-MK7UZH is denied. The subpoena seeks information relevant to the matter under investigation and describes with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Employer has failed to establish any other legal basis for revoking the subpoena.<sup>2</sup> See generally *NLRB v. North Bay Plumbing, Inc.*, 102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., November 12, 2015.

PHILIP A. MISCIMARRA,	MEMBER
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KENT Y. HIROZAWA,	MEMBER
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LAUREN McFERRAN,	MEMBER
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<sup>1</sup> The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

<sup>2</sup> With respect to subpoena par. 4, we observe that the subpoena cannot compel the Employer to produce information it does not possess. However, the subpoena does compel the Employer to conduct a thorough search for the requested information, much of which appears to be of the type that would normally be maintained in the regular course of the Employer's business, and to compile the information into document form for submission, if necessary. Further, with respect to requested information not in the Employer's possession or control, the subpoena compels the Employer to seek such information from its subcontractors, if necessary. If the information does not exist, the Employer must affirmatively represent this fact to the Region.